

PATENT APPLICATION
Serial Number: 09/492,218
Attorney Docket Number: STD 1757 RCE

REMARKS

The Examiner rejects Claims 1-40 and Claims 53-76, Claims 79-96 and Claims 99-113 under (35U.S.C.103) as being unpatentable over Hamilton (5,176,520) in view of Morgando (4,386,551) and Ishii (5,400,687).

Claims 52-77, Claim 78, Claim 97, and Claim 98 were objected to as being dependent upon a projected base claim period. It is respectfully submitted that these Claims are now dependent upon allowable base Claims. It is, thus, respectfully submitted that these Claims are now in proper form for allowance.

Claims 41-51 are allowed.

Claims 34, 45, 48-50, 62, 64, 65, 75, 83, 84, and 90 are original. Claims 1-7, 9-23, 26, 27, 29, 32, 33, 35-40, 55-59, 61, 63, 66, 68, 70-74, 76, 77, 79-81, 85-87, 89, 91, 92, 94, 95, 106, 110, and 113-116 are hereby amended to add clarity consistent with the specification and to correct typographical and grammatical errors. Claims 8, 24, 83-85, 93, and 96 are hereby canceled without prejudice. Claims 117 and 118 are hereby added as new claims which parallel original pending claims. No additional fees are due for claims. No new matter has been added.

This response is accompanied by the appropriate fee transmittal authorizing the Commissioner to charge any additional fees and credit any overpayments during the pendency of this application to Sitrick & Sitrick's Deposit Account Number: 501166.

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The Examiner begins by stating Hamilton discloses a display system for use by a plurality of users in providing a plurality of display presentations of a selected composition".

Contrary to this statement, the Hamilton '520 Patent does not provide a display presentation of a selected composition. In fact, Column 1 of Hamilton '520 states that there is no advanced prepared instructional material (no selected composition) involved. Hamilton distinguishes his invention by stating that in his invention, "the instructional material is constructed extemporaneously," (Column 1, Lines 48-49). Hamilton goes on to say that, "the present invention disseminates information interactively by the teacher as the student works. There is no need to pre-define information, and it is not "still" in that the video image seen by the student is always subject to change by the teacher," (Hamilton, Column 1, Lines 61-65).

The Office Action goes on to state that each work station has a communications interface to provide communications of data representative of the selected composition and memory for storing that data and a display apparatus for providing a local video display presentation representative of the selected composition responsive to the stored data. However, this is not what Hamilton teaches. In fact, this statement is totally contrary to the just cited sections of Hamilton, clearly states that there is no selected composition, there is no pre-defined information, there is no "still" image, and that there is no prepared in advance instructional material or selected composition. Thus, on the merits, Paragraph "2" of the Office Action is technically inaccurate and an improper basis for rejection, and is respectfully traversed as overcome on its merits.

Additionally, Paragraph "2" of the Office Action continues at the bottom of the Page 2 that "the music display system" provides memory and processing coupled to the memory to process the "music data" to provide "presentation data" and "means for editing the presentation to create a modified presentation" and "storing data representative of the editing in the memory means". (Quotes added for emphasis.) It is respectfully submitted that this is again technically inaccurate on the merits. First and foremost, in Hamilton, there is no video display of a selected composition (music, graphic, text or otherwise) being displayed. In fact, that would be opposite of and contrary to the teachings of Hamilton as discussed above. Further, Hamilton does not disclose any processing of composition data representing a selected composition or any

predefined material (e.g., music, graphics, text, music data or otherwise), or to provide means to edit that pre-defined selected composition.

The Examiner also cites that, "data representative of the selected composition," is locally stored and a display provides a presentation of that selected composition responsive to that stored composition data. The Examiner cites Column 5, Lines 26-32 and Column 6, Lines 25-46 of Hamilton. However, Column 5, Lines 26-32 refers to the application software component of the Hamilton invention may be stored on the disk drive of each local computer; that application software provides "a medium of simultaneously written interactions between to teacher and student." Hamilton, (Column 1, Lines 56-58). Column 6, Lines 25-46 of Hamilton deal with the structure of a station. Hamilton fails to teach or suggest the presence of composition data or the providing of a display presentation of a selected composition. The basis of rejection in Paragraph "2" of the Office Action, as stated above, is totally the opposite of the teachings and directions of Hamilton as set forth in both the background and the summary of the invention of Hamilton and elsewhere in the detailed description of Hamilton. There is no composition data representative of a display presentation of a selected composition in Hamilton. There is no editing of a selected composition display presentation in Hamilton. There is no storing of any data in memory representative of editing relative to a selected composition in Hamilton.

The Examiner's comments in Paragraph "2" continue at Page 3 stating that the presentation apparatus is responsive to the "modified presentation data to display the modified video presentation (Column 5, Lines 43-66; Column 6, Lines 64 through Column 7, Line 14)." It is respectfully submitted that this basis is incorrect on the merits. There is no data representative of editing of a presentation of a selected composition in Hamilton for the reasons, as stated above. There is no modified presentation data. The presentation apparatus cannot be responsive to something that does not exist. There is no modified video presentation; a selected composition is never modified in Hamilton. The quoted sections of Hamilton effect the "simultaneously written interactions between teacher and student" (Hamilton, Column 1, Lines 56-57).

It is, thus, respectfully submitted, that for at least the above-stated reasons, the citation of Hamilton against the present Applicant's previously pending and currently amended Claims is in opposite, is improper on the technical merits, and is respectfully traversed and overcome for the reasons as discussed herein.

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The Office Action then states, the differences between the Claimed invention and Hamilton could be made up by Morgando and Ishii. However, this is contrary to the express teachings of Hamilton, as discussed above. Hamilton expressly differentiates and states that his invention is unlike those inventions in which instructional material is prepared in advance (See above herein and for example Hamilton, Column 1, Lines 45-58). Thus, not only is there no suggestion of combination of the teachings of the references, but Hamilton expressly teaches against any such combination. It is contrary to the purpose and objects of the invention as well as the expressed teachings. It is, in fact, contrary to the express stated features differentiating Hamilton's invention over other patents and art.

Morgando (4,386,551) discloses a teacher console with a projector unit for projecting pre-stored instructional material onto a screen. There is also an Instructor's Master Control Console and Student Consoles. The Instructor's Master Control Console which is illustrated in Figure #4, includes headphone jacks, microphone jacks, a tape player, and lights and switches, and an instructor keyboard. There are also a plurality of student learning centers placed to permit the viewing of the screen and the projector presentation. Additionally, each of the student learning centers has a set of earphones to be worn during the course of the lesson. As detailed in Column 3 of Morgando, "the various inputs from the program to part of the teaching system include a pre-recorded audio input to the earphones, a series of pre-arranged note combinations to the light strip, periodic questions and confirmation of correct or incorrect answers to the student quiz panel, and preferably two series of slides which are ultimately projected in sequence on the screen in accordance with the pre-determined dissolve time periods as one picture phases in and another phases out". The non-programmed communication inputs to each student include their own musical performance, the activation of the student light strip by the teachers, keyboards, and the teachers broadcast of oral instructions (Column 3, Lines 5-18). Thus, in Morgando, the teacher can project an image from a projector onto a screen, and can communicate via switch connections and lights and oral instructions to the students who have headphones and light panels and switches on their station. Morgando, alone or in combination with Hamilton, Ishii and all other art of record, fails to teach or suggest Applicant's claimed invention as set forth in the applicant's pending Claims. Further, Morgando fails to make up any differences between Hamilton and applicant's Claimed invention.

The Examiner further relies on Ishii as disclosing a system for providing a presentation showing the time advance of music notation responsive to a user signal.

Ishii is directed to an apparatus that can provide the display of a musical score providing repeats within the musical score data, and detecting the repeats to effect to cause the music corresponding to the repeat within the two repeat signs back to the first repeat to be effected. Ishii teaches only of music score data being used to generate a display corresponding to a musical score, and to provide for effecting user-activated, switch controlled page-turns with a specific type of auto repeat data detection. Ishii, alone or in combination with any and all other art of record, fails to make up the differences between Hamilton and Claimed invention as set forth in the pending claims. Neither Hamilton, Morgando, or Ishii, or any other reference of record, alone or in any combination, teach, anticipate or make obvious the applicant's Claimed invention as set forth in the present Applicant's pending claims. Thus, it is respectfully submitted that the combination of Hamilton, Morgando, and Ishii fail to support the basis of rejection of the Examiner, and that all bases of objection and rejection of the pending claims have been traversed and overcome.

The Examiner's remark that, "Morgando and Ishii provide a musical environment, wherein small enhancements that overall make Hamilton more efficient with more ability for performance in editing, as well as, displaying composition which can be musical or other type composition," is respectfully traversed as an improper, inaccurate statement, not technically supported by the references. Hamilton specifically recites against having pre-determined composition data representing a selected composition. Thus, the combination of Hamilton with Morgando and/or Ishii would be contrary and against its teachings of Hamilton. Furthermore, even if combined, that combination is inadequate, for the reasons as discussed above.

It is respectfully submitted that the Examiner's rejection of Claims 1-40, Claims 53-76, Claims 79-96, and Claims 99-113, as rejected under 35U.S.C103(a), as being unpatentable over Hamilton (5,176,520), in view of Morgando (4,386,551) and Ishii (5,400,687), is traversed and overcome for the reasons as discussed hereinabove.

Claims 52-77, Claim 78, Claim 97, and Claim 98 were objected to as being dependent upon a projected base claim period. It is respectfully submitted that these Claims are now dependent upon allowable base Claims. It is, thus, respectfully submitted that these Claims are now in proper form for allowance.

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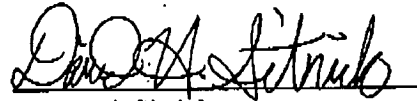
Claims 41-51 are allowed.

Unrelated to the Office Action, the applicant has chosen to amend the Claims herein to focus on a particular aspect of the invention as set forth in the specification, and as was already claimed in some of the pending Claims. This is done to simplify and streamline the prosecution.

It is, thus, respectfully submitted that all basis of objection and rejection have been overcome, and that all Claims are now in proper form for allowance. Reconsideration is requested.

The Examiner is invited to communicate directly with the undersigned if it would in any way facilitate the prosecution of this Application.

Respectfully submitted,



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display presentation of a visual image of the differences between expected user performance based upon the local visual presentation and the respective user performance data for at least one of the individual workstations workstation.

4. (Currently Amended) The system as in claim 5, wherein the combining means for synchronizing is responsive to at least one of a timing data, and an external timing signal.

5. (Currently Amended) The system as in claim 2, wherein there is a plurality of the individual workstations, the system further comprising:

combining means for synchronizing and combining the user performance data from a plurality of the individual workstations to generate composite virtual performance data, responsive to the user performance data as output from each of the plurality of individual workstations, to provide for at least one of an audio, a video and an audiovisual presentation.

6. (Currently Amended) The ~~system-method~~ as in claim 70, further comprising:

~~an editing subsystem for providing for changes comprising~~ changing features of at least one of pitch, key, tempo, instrument type, notation, size, shape, color, location, position and placement and ~~composition~~ of the composition data to create modified music data; and

~~wherein communicating~~ the modified music data ~~is communicated~~ to at least one other of the ~~individual workstations~~ display subsystems which provides a local video presentation representative of a visual image of the selected musical composition ~~as along with the changes~~ changed by the editing subsystem, responsive to the modified music data.

7. (Currently Amended) The system as in claim 73, wherein the ~~modified edit~~ data is distributed to a plurality of the individual workstations, each of which in a synchronized manner ~~each~~ provide a local video presentation responsive to the ~~modified edit~~ data.

8. (Canceled)

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